

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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T. MARK WHITNEY, *et al.*,

Plaintiffs,

v.

ACCESSIBLE SPACE, INC., *et al.*,

Defendants.

Case No. 2:12-CV-00341-GMN-PAL

ORDER

The court issued a notice regarding intention to dismiss the following defendants for plaintiff's failure to file proof of service pursuant to Fed. R. Civ. P. 4(m): Debbie Moline, Dina Titus Estates, Department of Housing and Urban Development, and David Neilson. (dkt. no. 12.) The notice gave Plaintiffs until August 8, 2012 to file proof of service.

In response, plaintiffs admit that dismissal of three defendants is appropriate. Plaintiffs indicate that defendant Dina Titus Estates¹ was found not to be an actual entity. Plaintiffs admit that defendant Department of Housing and Urban Development "may have no liability." Plaintiffs also inform that defendant David Neilson's whereabouts could not be ascertained. Because plaintiffs have acknowledged that he has not served these defendants and are not requesting an extension of time to serve these defendants, the Court finds that these three defendants should be dismissed without prejudice under Fed. R. Civ. P. 4(m).

¹ Plaintiff references Dina Titus but the court assumes he is referring to "Dina Titus Estates," which is a named defendant.

1 Plaintiffs request an extension of time to serve defendant Debbie Moline.
2 Plaintiffs claim to have made attempts to serve Ms. Moline, but failed to attach an exhibit
3 that they claim evidence such attempts. The Court has issued an order for Plaintiffs to
4 correct this error. Thus, the Court will delay a decision with respect to dismissal of
5 defendant Moline.

6 IT IS THEREFORE ORDERED that defendants Dina Titus Estates, Department of
7 Housing and Urban Development, and David Neilson are dismissed without prejudice.

8 DATED THIS 9th day of August, 2012.

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11 UNITED STATES DISTRICT JUDGE
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